

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern Division)**

DAVID J. BOSHEA

*

Plaintiff,

*

Case No. 1:21-CV-00309-ELH

v.

*

COMPASS MARKETING, INC.

*

Defendant.

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* * * * *

**DEFENDANT’S MOTION TO EXTEND DISCOVERY
TO CONDUCT DAVID BOSHEA’S DEPOSITION**

Defendant/Counter-Plaintiff Compass Marketing, Inc. (“Compass Marketing”), by and through its undersigned counsel, hereby files this Motion to Extend Discovery to Conduct David Boshea’s Deposition and, in support, states as follows.

1. On March 18, 2022, Plaintiff David Boshea (“Boshea”) filed a Motion to Extend Discovery to Compel John White’s Deposition. *See* Dkt. No. 102.

2. Compass Marketing opposed Boshea’s motion to extend because Compass Marketing believed the issue had been put forth before the Court (with the parties’ consent) and the Court determined that discovery had closed. *See* Dkt. Nos. 79, 82, 92, 99, and 103.

3. On April 19, 2022, the Court granted Boshea’s motion to extend discovery to conduct John White’s deposition. *See* Dkt. No. 105.

4. Compass Marketing was not able to take Plaintiff David Boshea’s deposition. Each postponement of John White’s deposition resulted in a postponement of Boshea’s deposition because the parties had agreed to conduct the depositions on back-to-back dates. *See* Dkt. No. 103

at pg. 3-4 n.4; *see also* Exhibit 1 (Email from S. Stern to G. Jordan dated November 3 2021 at 4:23 pm);¹ Exhibit 2 (Email string between S. Stern and G. Jordan dated January 3 and 4, 2022).

5. As Compass Marketing noted in its opposition to Boshea's motion to extend discovery, it would be prejudicial to Compass Marketing to permit such asymmetrical, one-sided discovery to occur when Compass Marketing had not had the opportunity to depose Boshea and Compass Marketing further noted it would seek the opportunity to identify depositions it would like to take in the event that Boshea's motion to extend were granted. *See* Dkt. No. 103 at 4 and n.5.

6. Since the Court granted Boshea's motion to extend discovery to take John White's deposition, Compass Marketing sought Boshea's agreement on two separate occasions to consent to the taking of Boshea's deposition (April 21, 2022 at 11:08 am; April 22, 2022 at 9:11 am). In the first instance, Boshea gave no response (April 21, 2022 at 12:24 pm) and, in the second instance, Boshea simply noted, "I am only interested in getting John White's deposition dates." *See* Exhibit 3 (Email string between S. Stern and G. Jordan dated April 19, 2022 through April 22, 2022).² Based on this email, it appears that Boshea does not consent to the taking of his deposition.

7. For these reasons, Compass Marketing respectfully requests that the Court grant Compass Marketing's Motion to Extend Discovery and order Plaintiff David Boshea to appear for his deposition in this litigation.

¹ Although the referenced email indicates that John White and Compass Marketing would fly to Chicago for the depositions, the parties have since agreed to conduct the deposition(s) by video.

² Compass Marketing provided dates for John White's deposition to Boshea. *Id.*

Dated: April 22, 2022

Respectfully submitted,

/s/Stephen B. Stern

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of April, 2022, the foregoing Motion to Extend Discovery to Conduct David Boshea's Deposition was served via the CM/ECF system on the following counsel of record:

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